

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GRAYS HARBOR ADVENTIST  
CHRISTIAN SCHOOL, a Washington non-  
profit organization, et al.,  
  
Plaintiffs,  
  
vs.  
  
CARRIER CORPORATION, a Delaware  
corporation,  
  
Defendant.

No. 05-05437 RBL

DEFENDANT'S MOTION AND ORDER  
TO SEAL

NOTE FOR: June 29, 2007

**I. Relief Requested**

Carrier requests that the Court enter an order sealing the record as to the Report of M. Laurentius Marais that is attached as Exhibit 2 to the Declaration of John M. Silk (filed 6/11/07) and as to the discussion of the Marais report that is found at pages 7-8 of Defendant Carrier Corporation's Motion to Decertify the Class (filed 6/11/07).

**II. Discussion**

The Marais report was initially filed in this court under conditional seal, in

DEFENDANT'S MOTION AND ORDER TO  
SEAL- 1

*Case No. 05-05437 RBL*

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conjunction with Plaintiffs' motion to exclude certain expert testimony. Doc. # 104. See Exhibit H to the Declaration of Nancy Parcharzina, Doc. # 106.

Carrier has filed a motion to seal the Marais report and the other expert reports that were attached to the Parcharzina Declaration. See Doc. # 106. In conjunction with its motion, Carrier submitted the Declaration of Daniel J. Dempsey, PE. Doc. #. 122. In that Declaration, Mr. Dempsey explained that warranty claims information in the Marais report is confidential and proprietary information that should be maintained under seal. See Dempsey Declaration, Doc. # 122, at pp. 8-9. That motion to seal is pending. For the same reasons noted in Carrier's prior motion to seal, the Court should seal the record as to the Marais report.

At pages 7-8 of Carrier's motion for decertification, there are references to Dr. Marais' calculation of Carrier's national warranty claim rate for Team 40 furnaces, the overall rate and the rate for the pre-team 40 furnaces. This is the same kind of information that Mr. Dempsey has shown to be confidential, and for that reason those portions of pages 7 and 8 should be sealed.

A proposed form of order accompanies this motion.

DATED this 11<sup>th</sup> day of June, 2007.

WILSON SMITH COCHRAN DICKERSON

By /s/ John M. Silk  
John M. Silk, WSBA # 15035  
of Attorneys for Defendant  
Carrier Corporation

DEFENDANT'S MOTION AND ORDER TO  
SEAL- 2

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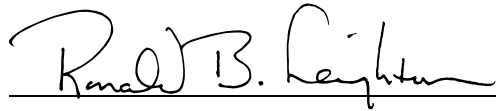
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**ORDER**

Defendant Carrier is hereby granted leave to file under seal:

1. Pages 7 and 8 of Defendant Carrier Corporation's Motion to Decertify the Class; and
2. Exhibit 2 to the Declaration of John M. Silk in Support of Carrier's Motion to Decertify the Class.

DATED this 21<sup>st</sup> day of June, 2007.



RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

DEFENDANT'S MOTION AND ORDER TO  
SEAL- 3

*Case No. 05-05437 RBL*

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